

**AMENDMENT NO. 1  
TO THE AGREEMENT BETWEEN THE  
CITY OF SANTA CLARA, CALIFORNIA  
AND  
APC INTERNATIONAL, INC.  
FOR SAN TOMAS AQUINO CREEK TRAIL PROJECT  
CONSTRUCTION INSPECTION/MANAGEMENT SERVICES**

This agreement ("Amendment No. 1") is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, ("Effective Date") by and between the City of Santa Clara, California, a chartered California municipal corporation, with its principal place of business located at 1500 Warburton Avenue, Santa Clara, California 95050 ("City") and APC International, Inc. a California corporation, with its principal place of business located at 393 Industrial Street, Campbell, CA 95008 ("Contractor"). Contractor and City may be referred to herein individually as a "Party" or collectively as the "Parties" or the "Parties to this Amendment No. 1."

**RECITALS**

- A. The Parties previously entered into an agreement entitled "**AGREEMENT FOR THE PERFORMANCE OF SERVICES BY AND BETWEEN THE CITY OF SANTA CLARA, CALIFORNIA, AND APC INTERNATIONAL, INC. FOR SAN TOMAS AQUINO CREEK TRAIL PROJECT CONSTRUCTION INSPECTION/MANAGEMENT SERVICES**", dated July 8, 2008 (the "Original Agreement"); and
- B. The Parties entered into the Original Agreement for the purpose of having Contractor provide construction inspection and management, and the Parties now wish to amend the Original Agreement to extend the amount of work and maximum costs.

In consideration of the above Recitals and the following mutual covenants and obligations, the Parties agree as follows:

**AGREEMENT PROVISIONS**

- 1. That **EXHIBIT A, SCOPE OF SERVICES**, of the Original Agreement is hereby amended to read as follows:

"The Services to be performed for the City by the Contractor under this Agreement are more fully described in the Contractor's proposal entitled, "Construction Inspection/Management Services" consisting of 2 pages, dated June 3, 2008 and in the Contractor's proposal entitled "Construction Inspection/Management Services/Extension," consisting of 2 pages, dated August 18, 2008, which are attached to this Exhibit A and incorporated by this reference."

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2. That **EXHIBIT B, SCHEDULE OF FEES**, of the Original Agreement is hereby amended to read as follows:

"In no event shall the amount billed to City by Contractor for Services performed under this Agreement exceed ninety-two thousand, four hundred twenty dollars (\$92,420.00), subject to budget appropriations."

3. All other terms of the Original Agreement which are not in conflict with the provisions of this Amendment No. 1 shall remain unchanged in full force and effect. In case of a conflict in the terms of the Original Agreement and this Amendment No. 1, the provisions of this Amendment No. 1 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 1 as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Amendment No. 1 shall become operative on the Effective Date first set forth above.

**CITY OF SANTA CLARA, CALIFORNIA,  
a chartered California municipal corporation**

APPROVED AS TO FORM:

\_\_\_\_\_  
HELENE L. LEICHTER  
City Attorney

\_\_\_\_\_  
JENNIFER SPARACINO  
City Manager

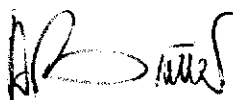
ATTEST:

1500 Warburton Avenue  
Santa Clara, CA 95050  
Telephone: (408) 615-2210  
Facsimile: (408) 241-6771

\_\_\_\_\_  
ROD DIRIDON, JR.  
City Clerk

"City"

**APC INTERNATIONAL, INC.,  
a California corporation**

By:   
\_\_\_\_\_  
ALLAN BUTLER  
President

396 Industrial Street, Campbell, CA 95008  
Telephone: (408) 583-0510  
Facsimile: (408) 583-0515

"Contractor"

# APC International, Inc.

Project Managers and Construction Consultants

City of Santa Clara – San Tomas Aquino Creek Trail Project

Proposed Scope and Fee for

Construction Inspection/Management Services

June 3, 2008

- 1) Inspect the work for conformance with plans and specifications, notify Contractor and City of any defects or discrepancies, and monitor corrective action if required, coordinate special inspection/concrete testing and review results, and maintain quality assurance records.
- 2) Conduct weekly meetings with Contractor and City to discuss progress and schedule, construction and design questions, submittal status, RFI status, and any other construction-related matters. Prepare and distribute meeting notes, and monitor follow-up of agreed actions.
- 3) Perform daily administrative tasks, including preparing daily inspector reports, coordinating responses to Contractor's questions, and maintaining site files, correspondence, and a photographic record of the work.
- 4) In conjunction with 2) and 3), prepare updates of the CPM schedule to confirm that milestone and completion dates are being maintained. Notify the City of potential delays and recommend corrective action to achieve the completion date.
- 5) Assist the City in reviewing Proposed Change Orders (PCO's) prior to approval as CO's, including quantities, unit rates, and reasons for change.
- 6) Agree quantities and/or percentage completion of work for calculation of the monthly pay letter by the City.
- 7) Prepare progress reports for the City, which discuss progress and schedule, cost and change orders, and design or construction issues, and include an updated schedule, a budget and payment summary spreadsheet, and a photographic record of the work during the report period.

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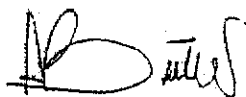
396 Industrial Street, Campbell, CA 95008-4110

Telephone: (408) 583-0510 • Fax: (408) 583-0515 • Email: apcintl@aol.com

Invoices, based on time actually expended, are submitted monthly, and the estimated Fee for the above scope of work, based on 16 weeks:

	<u>Time</u>	<u>(\$) Rate</u>	<u>(\$) Cost</u>
A) <u>Garry Theroux</u> Inspection, communication w/Contractor, daily reports, coordination of special inspections, pay letter quantities, PCO review, and miscellaneous administration	- 530 hours	85	45,050
B) <u>Allan Butler</u> Meetings, schedule monitoring, progress reports, PCO review, and management support	- 38 hours	115	<u>4,370</u>
Not-to-Exceed Total for Inspection & CM	-		<u>49,420</u>

Proposed and Submitted,



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Allan T. Butler

ATB:jz

# APC International, Inc.

Project Managers and Construction Consultants

City of Santa Clara – San Tomas Aquino Creek Trail Project

Proposed Scope and Fee for

Construction Inspection/Management Services / Extension

August 18, 2008

- 1) Inspect the work for conformance with plans and specifications, notify Contractor and City of any defects or discrepancies, and monitor corrective action if required, coordinate special inspection/concrete testing and review results, and maintain quality assurance records.
- 2) Attend/conduct regular meetings with Contractor and City to discuss progress and schedule, construction and design questions, submittal status, RFI status, and any other construction-related matters. Prepare and distribute meeting notes, and monitor follow-up of agreed actions.
- 3) Perform daily administrative tasks, including preparing daily inspector reports, coordinating responses to Contractor's questions, and maintaining site files, correspondence, and a photographic record of the work.
- 4) In conjunction with 2) and 3), review updates of the CPM schedule to confirm that milestone and completion dates are being maintained. Notify the City of potential delays and recommend corrective action to achieve the completion date.
- 5) Assist the City in reviewing Proposed Change Orders (PCO's) prior to approval as CO's, including quantities, unit rates, and reasons for change.
- 6) Agree quantities and/or percentage completion of work for calculation of the monthly pay letter by the City.
- 7) Prepare progress reports for the City, which discuss progress and schedule, cost and change orders, and design or construction issues, and include an updated schedule, a budget and payment summary spreadsheet, and a photographic record of the work during the report period.

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Invoices, based on time actually expended, are submitted monthly, and the estimated Fee for the above scope of work, based on 12 weeks:

		<u>Time</u>	<u>(\$) Rate</u>	<u>(\$) Cost</u>
A)	<u>Garry Theroux</u> Inspection, communication w/Contractor, daily reports, coordination of special inspections, pay letter quantities, PCO review, and miscellaneous administration	- 489 hours	85	41,560
B)	<u>Allan Butler</u> Meetings, schedule monitoring, progress reports, PCO review, and management support	- 12 hours	120	<u>1,440</u>
	Not-to-Exceed Total for Inspection & CM	-		<u>43,000</u>

Proposed and Submitted,



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Allan T. Butler

ATB:jz